

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH JOHN ETCHEVERRY,

CV F 05-00454 OWW DLB HC

Petitioner,

ORDER DENYING PETITIONER'S REQUEST
FOR JUDICIAL NOTICE

v.

[Doc. 10]

JEANNE WOODFORD,

Respondents.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed the instant petition for writ of habeas corpus on April 7, 2005. Respondent filed an answer to the petition on August 10, 2005. Petitioner filed a traverse on August 29, 2005. On this same date, Petitioner filed a request for judicial notice.

In his request for judicial notice, Petitioner requests that the Court take judicial notice of a declaration which was submitted in support of his state petition for writ of habeas corpus.

"A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). "A court shall take judicial notice if requested by a party and supplied with the necessary information." Fed. R. Evid. 201(d). The court may take judicial notice of court records. *Valerio v. Boise Cascade Corp.*, 80 F.R.D. 626, 635 n.1 (N.D. Cal. 1978), *aff'd*, 645

F.2d 699 (9th Cir.), *cert. denied*, 454 U.S. 1126 (1981).

Petitioner's request for judicial notice must be denied. The declaration does not contain facts which are not subject to reasonable dispute and are not generally known within the territorial jurisdiction of this court or capable of accurate and ready determination by resort to sources not subject to reasonable dispute. As such, the declaration is not appropriate for judicial notice. Accordingly, Petitioner's request for judicial notice is DENIED.¹

IT IS SO ORDERED.

Dated: November 14, 2005
3b142a

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE

¹ Petitioner is advised that the Court will issue a ruling on the instant petition in due course.